



January 17, 2025

*Via ECF*

Hon. Kenneth M. Karas  
United States District Judge  
The Hon. Charles L. Bricant Jr. Federal Building and United States Courthouse  
300 Quarropas Street  
White Plains, NY 10601-4150

**RE: 24-cv-08990 (KMK), *Leonard Mack v. Westchester County, et al.***

Dear Judge Karas,

Plaintiff writes in response to the Court's January 15, 2025 Order to submit a letter explaining why some Defendants have not yet been served. DE 38.

As of the date of this letter, five of the eight Defendants have been served or have waived service: Westchester County (served on December 27, 2024), the Town of Greenburgh (waived service on December 4, 2024), former Westchester County Department of Public Safety Police Officer Carol Kope (served on January 2, 2025), former Greenburgh Police Department Lieutenant John Schachinger (served on December 27, 2024), and Judy Messina, as Administrator of the Estate of deceased Greenburgh Police Department Lieutenant Raphael Garofano (served on December 16, 2024). *See* DE 20, 27, 33, 34, 36.

There are three Defendants who have not yet been successfully served: James Fleming III, as Administrator of the Estate of deceased Westchester County Department of Public Safety Police Officer James Fleming; Jack Roe 1, as Administrator of the Estate of deceased Greenburgh Police Department Detective Robert Willard; and Jack Roe 2, as Administrator of the Estate of deceased Greenburgh Police Department Detective Gerrard Holley.

Plaintiff has contracted with process servers to attempt service of the complaint and summons on James Fleming III. There were three unsuccessful attempts on December 23, 26, and 27 of 2024 to serve James Fleming III at an address in Hopewell Junction, New York. During a fourth attempt on January 13, 2025 at that address, the current occupant confirmed that James Fleming III does not reside there. Plaintiff's further research indicates James Fleming III may live at an address in Pleasant Valley, New York, and Plaintiff has initiated efforts to serve him there.

Plaintiff is in the process of establishing estates for Robert Willard and Gerard Holley, both deceased Greenburgh Police Department Detectives. Plaintiff's research has uncovered no record of either of their estates being submitted to probate or otherwise having had an administrator appointed. As of the date of this letter Plaintiff has requested the certified death certificates of both individuals in order to petition the Surrogate's Court to establish an estate and appoint an administrator for each pursuant to New York Surrogate's Court Procedure Act Section 1002.

Plaintiff is working diligently to serve the remaining Defendants ahead of the February 24 deadline and will take appropriate action to seek the Court's permission for additional time for service if it becomes necessary.

Respectfully submitted,

/S/Christina Matthias

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cc: All counsel of record via ECF